

3. Current Practice: State, Regional and Local Roles in Planning and Concurrency

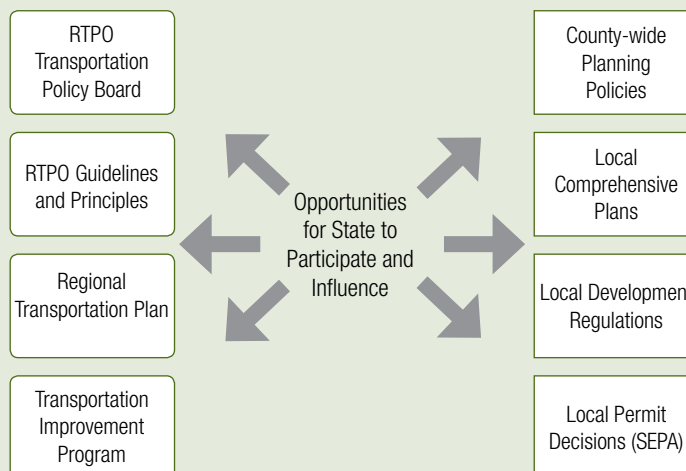
The state legislature provided a framework under the Growth Management Act (GMA) for cities, counties, Regional Transportation Planning Organizations (RTPOs), and the state to work together to plan for an integrated transportation network through a comprehensive process including land use, transportation, and capital facilities planning. Opportunities are built into the GMA framework for the state and the RTPOs to participate in the local land use process and influence decisions that might adversely impact state-owned highways and ferry routes.

The GMA directs state agencies like the Community, Trade and Economic Development Department (CTED) and the Washington State Department of Transportation (WSDOT) to participate in the local land use process by providing guidance to local governments, reviewing and commenting on local comprehensive plans and development regulations, providing conditional grant funding, and appealing local land use decisions when appropriate. In addition, the State Environmental Policy Act (SEPA) affords all state agencies the opportunity to review proposed comprehensive plan amendments, local regulatory changes, and local permit decisions and request mitigation or denial of the proposed government actions. Opportunities for state influence under SEPA will be discussed further in Chapter 4.

The GMA also provides the state with opportunities to participate in the RTPO planning process. RTPOs establish levels of service and jointly plan for regionally significant state-owned highways and ferry routes. The regional transportation plan is also used as the basis for certifying local comprehensive plans and county-wide planning policies for regional consistency.



Opportunities for the State to Participate and Influence



CTED's Role in Local Land Use Planning

CTED provides technical and financial assistance to local governments, coordinates state agency guidance on growth management issues, and facilitates state agency review of proposed changes to local plans and regulations. In general, CTED approaches local governments as a partner in planning and implementing the GMA. However, CTED also serves as a repository of GMA compliance records which may be used to determine eligibility for grant funds or as a basis for other enforcement actions.

Technical Assistance

CTED has found the most effective way to encourage good planning under the GMA is to focus its resources on technical assistance to local governments early in the land use planning process. The technical assistance program uses department staff and the staff of other state and local agencies to provide individualized assistance, develop model ordinances, offer regional education and training programs, and collect information for local and regional inventories. CTED planners are often called upon for input, guidance, and to give presentations on specialty topics.

Every city and county in the state is assigned to one of 11 CTED planners who are available to answer questions and provide assistance. CTED staff are in a unique position to connect local planners with other counties or cities working on similar issues or facing similar problems because they work with every community in the state. This allows local planners to use the knowledge and experience of other planners in the state to help in their own situations. CTED planners are expected to contact their assigned local jurisdictions at least quarterly. Typically, one of these contacts will be an on-site visit.

Additionally, CTED offers training programs like the Short Course on Local Planning, a three-hour overview of the legal basis of land use planning in Washington. The Short Course is provided free to local governments upon request. In 2006, CTED's Growth Management Services provided 47 short courses. CTED also offers specialized training programs, speakers for conferences and quarterly regional forums for local planners.

Financial Assistance

CTED provides financial assistance to counties and cities to encourage and facilitate the adoption and implementation of GMA comprehensive plans and development regulations. In the current biennium, the legislature funded approximately \$5.5 million in grants passed through CTED to local governments engaged in planning activities under the GMA.

Under the GMA, local comprehensive plans are required to be updated every seven years.¹ Each year, CTED distributes grants to eligible jurisdictions scheduled to complete their plan updates. The grants range from \$7,500 to \$90,000 per jurisdiction, and are awarded based on a funding formula accounting for population growth. CTED also provides grant funds for newly incorporated jurisdictions and jurisdictions that have not met the initial adoption requirements of the GMA. CTED provides an incentive for regional collaboration by offering competitive grant funding for innovative regional collaboration among cities, counties, and school districts. Finally, CTED offers Emerging Issues Grants (typically \$10,000

1. RCW 36.70A.130(4)

or less per jurisdiction) to help fund planning activities that occur outside normal grant cycles that further the goals and priorities of a local comprehensive plan.

Coordination of State Agency Guidance

CTED coordinates the production and distribution of GMA guidance documents including guidebooks, newsletters, email notifications, Web resources, good examples, and update checklists. During Fiscal Year 2005, Growth Management Services distributed approximately 15,000 publications.

CTED has prepared guidebooks on numerous topics, including transportation planning requirements and impact fees, generally in the early 1990s. In 1998, CTED and WSDOT jointly produced a guidebook on the implementation of House Bill 1487 (the “Level of Service Bill”), amending planning requirements for state-owned transportation facilities. Guidebooks are mailed free of charge upon request. Additionally, most CTED guidebooks are available to download from its Web site.

CTED also provides GMA requirements in a checklist format for local governments to use when updating their comprehensive plans and development regulations. The checklists provide links to other resources, suggestions for best practices, and notations of other applicable state and federal laws.

Facilitation of State Agency Review

The GMA requires local governments proposing adoption of any changes to their comprehensive plans or development regulations to notify CTED at least 60 days prior to final adoption.² This requirement allows state agencies to provide comments to the county or city on the proposed plan or regulation during the public review process prior to adoption. CTED maintains a database of the review materials submitted and provides other state agencies with a brief description of the materials received in a daily email.

Review materials can be as large as a major comprehensive plan update for a metropolitan county or as small as a minor amendment to a city sign ordinance. The Planning Review Team Manager looks at the list of materials received daily and determines which items should be reviewed by a CTED planner. Items less likely to be reviewed include revisions to existing ordinances, housekeeping-type items, or other minor amendments.

The process used to review and comment on proposed changes to local comprehensive plans and development regulations is governed by the “Principles Governing State Agency Correspondence Under the Growth Management Act.”³ The principles were developed by CTED, the Washington State Association of Counties, the Association of Washington Cities, and six other state agencies, including WSDOT. The principles outline 11 ways to facilitate collaborative engagement between state and local government on local land use matters.

The review process at CTED begins when a planner is assigned a proposed local comprehensive plan or development regulation amendment. After reading the proposed changes, the planner may decide to take no action if the material meets GMA requirements. If the planner has any concerns or questions about the

EXPEDITED REVIEW

Some minor review items can be submitted under CTED’s expedited review process. If the request for expedited review is approved, local governments can forgo the 60-day notice period and adopt the proposed amendments within 14 days.

RCW 36.70A.106(2)(b)

2. RCW 36.70A.106

3. “Principles Governing State Agency Correspondence Under the Growth Management Act.” January 27, 2005.

proposed changes, he or she will contact the local government to discuss them. If the planner's concerns are not resolved through that discussion, formal written comments may be provided.

2005 CTED REVIEW ACTIVITIES:

- » 1,198 proposed amendments to local comprehensive plans and development regulations were received
- » 540 were forwarded to a planner for review
- » 84 comment letters were sent to local governments

When commenting on proposed comprehensive plans, CTED will generally comment on what they like about the plan, what the city or county may want to consider modifying to improve or strengthen the plan, and what the city or county should change and why. When commenting on development regulations, CTED will generally discuss any potential concerns, address how the proposal meets the GMA and applicable laws, and how it may be strengthened. When a formal comment letter is written, CTED staff will share it with the jurisdiction staff while it is in draft form. The city or county may suggest changes, ask for clarification, or provide additional background information. Once approved by the Planning Review Team Manager, the letter is sent to the city or county staff and included in the public record. Local jurisdictions consider comments from CTED, other agencies, and the public during the adoption process and may or may not make suggested changes prior to adoption.

PARTICIPANTS IN THE INTERAGENCY WORK GROUP:

Attorney General's Office
Department of Agriculture
Department of Community, Trade and Economic Development
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Natural Resources
Department of Social and Health Services
Department of Transportation
Governor's Salmon Team
Interagency Committee for Outdoor Recreation
Puget Sound Action Team
Salmon Recovery Funding Board

In order to better coordinate state agency responses to proposed local plan and development regulation amendments, CTED also organizes monthly meetings of the Interagency Work Group. This group provides a forum for state agencies to share their technical assistance best practices as well as troubleshoot issues that arise in specific communities.

Enforcement

CTED views its role as helping local governments adopt the best versions of their locally developed plans and regulations while ensuring GMA requirements are satisfied. The potential consequences for local governments who do not meet the requirements of growth management may include appeals, grant ineligibility, or sanctions.

Appeals. In some cases, a state agency's mandate may require a challenge to a local government action under the GMA. Challenges are made by filing a petition for review with one of the three growth management hearings boards. State agency appeals are only brought when the challenge involves a matter of statewide significance, when the state agency has made every effort to resolve the issue through participating in the local planning process, and when the appeal is the best available way to address the need. Such appeals have involved issues such as expansion of urban growth boundaries, protection of natural resources or the siting of essential public facilities. State agency appeals can only be filed by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands for issues relating to the state trust lands. Authorization to file the appeal is often accompanied by a directive from the governor to seek settlement or mediation as an alternative to the legal challenge. As the coordinator of state agency actions under the GMA, CTED has served as gatekeeper in requests to the Governor to appeal a local agency action.

In addition to filing direct challenges, state agencies have filed as interveners or filed amicus briefs in other cases. These methods are used when cases raise issues that are of statewide significance and the agency believes its expertise would benefit the proceedings or if the issues have significant implications for the agency.

Grant Ineligibility. For a fully planning city or county to be eligible for financial assistance from the Public Works Trust Fund or Centennial Clean Water Fund, it must have adopted a comprehensive plan and implementing regulations. It must also have completed its seven-year comprehensive plan and development regulation update as required.⁴ Additionally, many state and federal grant or loan programs require that any projects proposed for funding be included in the local comprehensive plan.

Sanctions. As a last resort, the governor is authorized to impose financial sanctions in order to achieve compliance with the requirements of the GMA. This is an extremely rare measure. Sanctions have only been imposed once in the history of the GMA. Imposition of sanctions must be preceded by the governor's written findings that the county or city is not proceeding in good faith to meet the requirements of the GMA or that the county or city has unreasonably delayed taking the required action. The governor must consult with and communicate these findings to the appropriate growth management hearings board prior to imposing the sanctions. For jurisdictions not fully planning under the GMA, the governor must consider the size of the jurisdiction relative to the requirements of the act and the degree of technical and financial assistance provided.⁵ Sanctions may include revised allotments in appropriation levels, the withholding of a portion of the revenues to which the county or city is entitled under various state tax and trust accounts, and/or the temporary rescinding of the county's or city's authority to collect the real estate excise tax.

Resources

CTED's annual budget devotes 21.5 Full Time Equivalent (FTE) staff and \$5.25 million, including \$3.1 million in pass-through grant funds, to the Growth Management program. Each of the 11 planners are assigned approximately 39 jurisdictions.

WSDOT's Role in Local and Regional Transportation Planning

Like CTED, WSDOT provides technical assistance to local governments, reviews and comments on local comprehensive plans and development regulations, and has the ability to appeal local land use decisions when appropriate. In addition, WSDOT develops statewide transportation plans which influence local and regional planning decisions. WSDOT also provides administrative and financial support to RTPOs.

Planning

The Washington Transportation Commission is responsible for the development of a state transportation policy plan that:

1. establishes a vision and goals for the development of the statewide transportation system consistent with the state's growth management goals,
2. identifies significant statewide transportation policy issues, and
3. recommends statewide transportation policies and strategies to the legislature.⁶

4. RCW 36.70A.130

5. RCW 36.70A.345

6. RCW 47.06.030

WSDOT works with the Commission to coordinate the adoption of the Washington Transportation Plan, which meets these requirements. The policies defined in the Washington Transportation Plan guide WSDOT's statewide program plans including the aviation system plan, the bicycle transportation and pedestrian walkways plan, the freight and goods transportation system update, and the highway system plan. Projects supporting these program plans are then included in WSDOT's Ten-Year Capital Improvement and Preservation Program.

WSDOT's Capital Improvement and Preservation Program, the transportation elements of local comprehensive plans, and the six-year transportation improvement programs prepared by cities, counties and public transportation systems must be consistent.⁷ Additionally, the regional transportation plans prepared by RTPOs must be consistent with countywide planning policies, local comprehensive plans, and state transportation plans.⁸

The Washington Transportation Plan

The Washington Transportation Plan (WTP) is a 20-year plan defining policy for the statewide transportation system and a data-driven guide to transportation investment decisions reflecting statewide input. The WTP also fulfills federal and state planning requirements.

THE WTP'S 20-YEAR TRANSPORTATION VISION: Washington's transportation system should serve our citizens' safety and mobility, the state's economic productivity, our communities' livability, and our ecosystem's viability.

The WTP defines five prioritized guidelines for future investments:

1. **Preservation**—Preserve and extend prior investments in existing transportation facilities and the services they provide to people and commerce.
2. **Safety**—Target construction projects, enforcement, and education to save lives, reduce injuries, and protect property.
3. **Economic Vitality**—Improve freight movement and support economic sectors that rely on the transportation system, such as agriculture, tourism, and manufacturing.
4. **Mobility**—Facilitate movement of people and goods to contribute to a strong economy and a better quality of life for citizens.
5. **Environmental Quality and Health**—Bring benefits to the environment and our citizens' health by improving the existing transportation infrastructure.

The WTP also recommends numerous transportation policies. The following are the policy recommendations most closely related to this analysis:

Funding:

- » Identify strategies and methods to provide sustainable revenue sources for transportation needs, including tolling and innovative approaches.
- » Identify innovative financing approaches aimed at meeting the long-term capital investment needs of the ferry system.

Land Use and Transportation:

- » Improve concurrency between transportation and land use decisions to ensure complementary development of land with transportation infrastructure.
- » Clarify the state and local responsibility and options for addressing highway congestion that are driven by local permitting decisions.

Safety:

- » Identify cost effective ways in which the state and local agencies responsible for safety on highways, streets and roads can coordinate their efforts to achieve statewide safety goals in a comprehensive manner.

The WTP is available on-line at:

<http://www.wsdot.wa.gov/planning/wtp/>

Additional WTP topics are linked to the data library:

<http://www.wsdot.wa.gov/planning/wtp/datalibrary/default.htm>

7. RCW 36.70A.070(6)(c)

8. RCW 47.80.023(2)

Despite these consistency requirements, state, regional and local transportation planning is not always effectively coordinated or consistent in practice. In a February, 2006 letter appointing Transportation Secretary Doug MacDonald, Governor Christine Gregoire emphasized that WSDOT must play a leadership role in transportation planning and interagency coordination to create a transportation system that will better meet public demands for the next 50 years.

Guidance Documents

The most recent local government guidance document on transportation planning was produced by WSDOT in cooperation with CTED in 1998 and addressed the implementation of House Bill 1487 which changed the local planning requirements for state-owned facilities. WSDOT also produced the RTPPO Transportation Planning Guidebook in 1998. This guidebook provided RTPPOs with a set of recommended best planning practices developed in cooperation with regional agencies and local governments across the state.

In response to the Governor's policy direction, WSDOT is currently developing additional policy and implementation guidance on growth management, land use and development review. Additionally, WSDOT Headquarters Planning Office is working on a Transportation Planning Manual and local comprehensive plan review policies to guide the work of the WSDOT region planning offices. WSDOT also continues to participate in the Interagency Work Group coordinated by CTED to develop consistent statewide policies for implementing the GMA.

Local Comprehensive Plan and Development Regulation Review

Under the GMA, state agencies may provide comments to cities and counties on proposed comprehensive plan or development regulation amendments during the public review process.⁹ WSDOT has reviewed and commented on local plans and development regulations as a good business practice since the early 1990s. However, because reviews are not required, minimal attention has been given to accomplishing this task. Statewide, WSDOT dedicates only 1.2 FTE to local comprehensive plan and development regulation review. This includes: 0.1 FTE in the WSDOT Headquarters Planning Office, 0.1 FTE in each of the six WSDOT Region Offices, and 0.5 FTE in the Urban Planning Office (covering King, Kitsap, Pierce and Snohomish counties).

WSDOT reviews and comments on local plans and regulations to assess the impacts of local land use decisions on the state system and to communicate them to local governments. Also, the GMA requires state agencies to comment during the public review process in order to have standing to appeal local land use decisions.

The review process begins when WSDOT receives a proposed comprehensive plan or development regulation amendment from a local government. While the GMA does not require local governments to submit proposed land use amendments directly to WSDOT; the requirements of the State Environmental Policy Act result in WSDOT directly receiving copies of proposed legislation when local governments perceive the agency might be impacted.

WSDOT also receives a daily email from CTED with a summary of each material that CTED received from local governments for state review. The Washington State Department of Ecology also publishes a list of all local government SEPA

FROM TRANSPORTATION SECRETARY DOUG MACDONALD'S 2006 APPOINTMENT LETTER:

"As we deliver on project construction we must also play a leadership role in the planning, coordination and integration of our transportation system on a regional and statewide basis. This is a very important role for you personally to play. Over the coming years I expect you to work closely, cooperatively, and aggressively with federal, and local governments and districts to create a transportation system that will better meet the demands our citizens, communities and businesses will place upon it for the next 50 years. This will require innovative planning, significant public education and unprecedented coordination between land use, public transit, and all other modes of transportation. The system must reduce congestion in the short term but must also build toward a vision that at least challenges the premises that have driven us to the conditions of today."

Governor Christine Gregoire

9. RCW 36.70A.106

THE PRINCIPLES GOVERNING STATE AGENCY CORRESPONDENCE UNDER THE GMA:

The following principles were jointly adopted by seven state agencies, including WSDOT, in January, 2005:

1. Early notification and involvement is critical to effective participation
2. Local governments should seek early state agency participation and state agencies should respond promptly.
3. State agencies should contact local governments, preferably by phone, before drafting a comment letter.
4. State agencies will share drafts informally with local governments before sending formal written comments.
5. State agencies will ensure written correspondence reflects their official position.
6. State agencies will coordinate comments and resolve internal conflicts before finalizing comments to local governments.
7. State agency involvement is a technical assistance role, not a regulatory role.
8. State agencies may provide guidance that urges local governments to exceed the minimum requirements of law and may suggest ways to meet GMA requirements.
9. State agency correspondence will clearly distinguish legal requirements, best practices, matters of fact, and matters of opinion.
10. State agency comment letters are public records.
11. State agencies and local governments will review these principles as needed.

determinations. Theoretically, WSDOT could review this information to request plans and regulations that local governments did not directly submit to them. In practice, WSDOT has insufficient staff resources to review the materials directly submitted, so follow-up based on the CTED or Ecology information is rare.

Local governments may submit proposed plans or development regulations to WSDOT Headquarters or to one of the WSDOT region offices. The region planning offices have primary responsibility for reviewing and commenting on proposed amendments to local plans and regulations. During the review process, the region planning offices might circulate proposed amendments to other WSDOT staff members for input before preparing a response. In preparing their comments, the region planning staff are responsible for implementing the “Principles Governing State Agency Correspondence under the Growth Management Act,” coordinating with Headquarters to ensure statewide consistency, and copying any written comments to Headquarters for tracking. The Planning Office at Headquarters is responsible for ensuring all WSDOT comments are consistent and comply with the “Principles Governing State Agency Correspondence under the Growth Management Act.”

With the exception of the “Principles Governing State Agency Correspondence Under the Growth Management Act,” no formal agency-wide policies for reviewing and commenting on local comprehensive plans and development regulations exist. Consequently, the review process varies widely with each regional office determining how to prioritize the local plans and regulations submitted for review, how to conduct the review, what the substance of the review and comments should be, and how to use the information submitted by local governments in WSDOT’s planning processes.

The regional offices note that local agencies do not consistently submit their proposed plan and development regulations to WSDOT. Additionally, the WSDOT region offices do not have the staffing resources or policy guidance to optimally review local plans and regulations. Finally, WSDOT’s influence is limited because local governments can choose to disregard its comments.

If WSDOT determines a local land use decision under the GMA substantially interferes with the state’s interests, and if the agency has standing, it can request that the Governor file a petition for review of the local legislation with one of the three growth management hearings boards. In order to have standing, the state must have stated its objection to the proposed local policy or regulation on the record during the public review process.

Regional Transportation Planning Organization Support

In addition to its role in local comprehensive planning, WSDOT provides administrative, technical, and financial assistance for the RTPOs. These activities include: RTPO coordination, supporting the RTPOs’ annual work programs, and assisting the RTPOs with the development of a Transportation Improvement Program. A Transportation Improvement Program is a financially-constrained list of regional transportation improvements anticipated to be completed within four years.

WSDOT is responsible for verifying that the processes local governments use to designate RTPOs meet state requirements. Then, WSDOT executes an agreement

with the RTPO's lead planning agency defining the work program and setting out conditions for the use of state planning grants.

WSDOT administers two state planning grant programs established by the legislature to fund the activities of the RTPOs. The formula grant program allocates funds to the RTPOs based on a legislatively defined formula providing a base amount per county, with the remaining funds allocated on a per capita basis. WSDOT also administers a discretionary grant program for special regional planning projects.

Under state statute, WSDOT establishes minimum standards for the development of regional transportation plans.¹⁰ The minimum standards are defined in Chapter 468-86 of the Washington Administrative Code. During the regional planning process, WSDOT works with the RTPOs to ensure regional transportation plans are consistent with the Washington Transportation Plan. It also supports the RTPOs' efforts to identify gaps between the regional transportation plan and the transportation elements of local comprehensive plans, as well as between the regional transportation plan and county-wide planning policies.

In addition to providing administrative and technical support to RTPOs, WSDOT offers similar support to federally designated Metropolitan Planning Organizations (MPOs). While MPOs and RTPOs receive their funding from different sources, they serve similar basic transportation planning functions. These functions include developing a long-range plan, coordinating within an urban area or region, and preparing a transportation improvement program. MPOs and RTPOs that serve the same area are required by statute to have the same lead agency.

State funding totaling \$4.4 million will pass through WSDOT in the 2005-07 biennium for RTPO activities, and federal funding totaling \$15.3 million will pass through WSDOT in the 2005-07 biennium for MPO funding. Statewide, WSDOT devotes approximately 12 FTE to RTPO and MPO support activities including: 5 FTE at WSDOT Headquarters, 2.5 FTE in each of the two region offices located in the urban Puget Sound areas, and 0.5 FTE in each of the four other region offices.

The RTPO Certification Process in Regional Planning

Fourteen RTPOs encompass all the counties in the state, except San Juan County. RTPOs are required to prepare regional transportation plans, develop six-year regional transportation improvement programs, review local level of service methodologies to promote regional consistency, establish levels of service for regionally significant state-owned highways and ferry routes (jointly with WSDOT), and certify the transportation elements of local comprehensive plans and countywide planning policies.¹¹

Minimal RTPO certification requirements exist in state law. RTPOs must certify that the transportation elements of local comprehensive plans reflect and are consistent with the adopted regional transportation plan, and conform with the transportation element requirements of the GMA.¹² RTPOs must also certify

10. RCW 47.80.070(1)

11. RCW 47.80.023

12. RCW 47.80.023(3)

that the county-wide planning policies and the regional transportation plans are consistent.¹³

WSDOT provides some additional recommendations for the certification process in its RTPO Transportation Planning Guidebook including the development of:

- a matrix to compare countywide planning policies with the adopted regional goals and planning policies, noting any inconsistencies,
- a uniform checklist to evaluate the consistency of the transportation elements of local comprehensive plans with the regional transportation plan, and
- a formal process for certifying consistency including written findings and recommendations adopted by the RTPO policy board¹⁴

In practice, the RTPO certification process varies widely. Four RTPOs do not currently certify local plans or countywide planning policies at all. The certification processes of the remaining 10 RTPOs vary widely from minimal review to rigorous evaluation. Several RTPOs provide the local jurisdictions within their boundaries with a checklist to evaluate their own plans and policies for consistency. RTPO staff then conduct a cursory review of the self-evaluation before certifying the document verbally or in writing. Other RTPOs review local comprehensive plans and countywide planning policies more thoroughly, with some that use checklists and some that do not.

A number of RTPOs noted that they work with local jurisdictions in the early stages of the planning process and that early interaction is more effective than after-the-fact certification checks. In fact, two of the RTPOs performing certification reviews felt they were not beneficial. The types of pre-planning assistance RTPOs offer vary but may include providing data, transportation modeling assistance, sample policies, and draft plan language to local governments.

Puget Sound Regional Council - A Robust Certification Process

The Puget Sound Regional Council (PSRC), the Regional Transportation Planning Organization (RTPO) that includes the most populous counties in the state, also has the most robust certification process.

PSRC reviews county-wide planning policies and local transportation elements using an in-depth questionnaire developed to ensure conformity with GMA requirements, consistency with the regional transportation plan, and compliance with federal and state clean air legislation.¹

The certification includes a two-step review. First, PSRC performs a preliminary review on the draft planning docu-

ment based on an in-depth questionnaire completed by PSRC staff. This allows jurisdictions to address inconsistencies prior to plan adoption. Once the final plan is adopted, PSRC reviews the transportation-related provisions a second time and prepares the final certification report. After the jurisdiction has had an opportunity to review the report and comment, PSRC presents a recommendation on certification to its Executive Board. An appeals process is provided.

PSRC has tied the certification process to eligibility for federal transportation funds administered by their organization.

1. Puget Sound Regional Council Adopted Policy and Plan Review Process. September, 2003.

13. RCW 47.80.023(4)

14. Washington State Department of Transportation, "RTPO Transportation Planning Guidebook," June, 1998, 1: 19-20.

The varied practices of RTPOs can be partially explained by the minimal legal requirements for the certification process. However, inconsistent certification practices also reflect certain RTPO structural issues. RTPOs are voluntarily formed by their member jurisdictions and so their ability to enforce consistency varies based on the local political climate. In addition, four of the RTPOs have very limited financial resources and consequently are unable to support a dedicated professional staff. The other 10 RTPOs are staffed by lead agencies that also serve as federally designated Metropolitan Planning Organizations (MPOs), resulting in a broader base of funding for planning activities.

Finally, six of the fourteen RTPOs encompass some jurisdictions fully planning under the GMA and some jurisdictions planning for critical areas and resource lands only. The different planning requirements make it challenging for these RTPOs to craft a regional plan that can serve as a basis for the certification. Only the fully planning GMA jurisdictions are required to develop and submit county-wide planning policies and transportation elements for certification.

Local Planning and Concurrency Practices

Local government practices for implementing concurrency and planning for state-owned transportation facilities has varied as widely as the RTPO certification processes. In 2002-03, the Puget Sound Regional Council (PSRC) completed a study of the effectiveness of concurrency in Snohomish, King, Pierce, and Kitsap counties. The PSRC study comprised a three-phase work plan which surveyed, reviewed, analyzed, and developed recommendations for how concurrency could be improved.

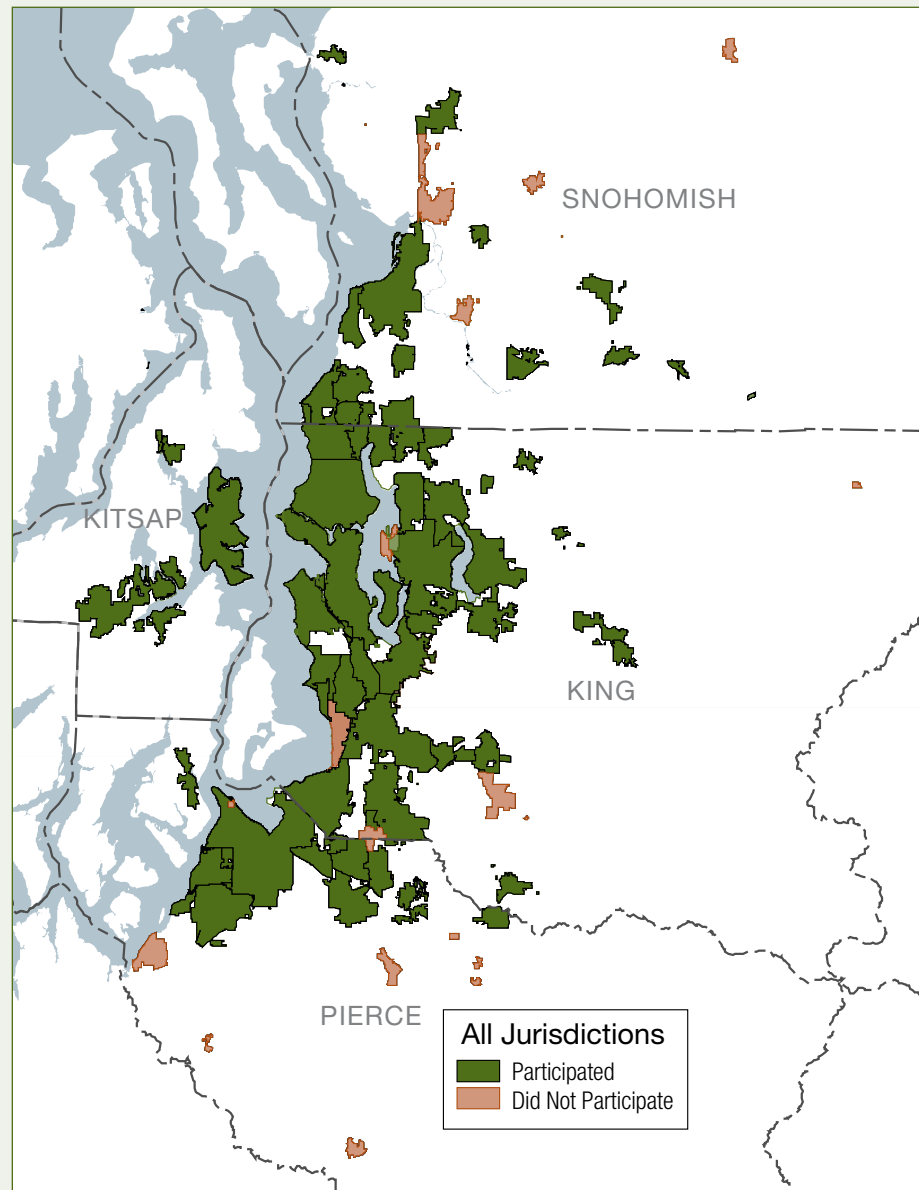
Recognizing the study results cannot be generalized for the entire state, a summary of this study provides a local government perspective on how concurrency is approached and practiced in the urban areas of the state. The results should also be framed within the political climate of the time. When this study was undertaken, local expectations were low for any state funding of transportation projects. Since then, the legislature has approved two major state transportation funding packages. A five-cent increase in the gas tax was approved in 2003 (the “Nickel”) generating \$4.7 billion in 10 years to fund 160 transportation projects statewide. A six-cent increase in the gas tax was approved in 2005 (the Transportation Partnership Act) generating \$9 billion over 16 years to fund 274 transportation projects statewide, as well as some city and county road improvements. While these transportation funding packages were project-specific and addressed only existing state transportation deficiencies, their adoption and implementation might have impacted the local perspectives and practices described in the PSRC study.

PSRC Survey Results

The first phase of the PSRC Study involved a survey of 21 questions distributed to all jurisdictions in the four-county area. Sixty-eight of the 86 jurisdictions returned the survey. It is interesting that 11 years after the GMA was enacted, nearly half of the respondents (43 percent) indicated they did not have a transportation concurrency ordinance.¹⁵ Additionally, 60 percent of the respondents

15. Assessing the Effectiveness of Concurrency: Phase 1 Report - Survey Results. Puget Sound Regional Council. January 2002: 5.

Puget Sound Area Jurisdictions Participating in the Survey



Source: Puget Sound Regional Council

indicated their concurrency system had no discernible impact on actual development projects.¹⁶

Many survey questions related to the mechanics of how concurrency was implemented. Concurrency practices varied widely with differences in whether multimodal options were addressed, what thresholds were used to trigger a concurrency assessment, under what circumstances exemptions or waivers were granted, and how levels of service were set. The diversity of concurrency approaches presents a challenge to expanding concurrency to a regional or statewide level.

Several of the survey questions addressed how local governments include state-owned transportation facilities in their concurrency practices. Fifty-nine percent

16. Assessing the Effectiveness of Concurrency: Phase 1 Report - Survey Results. Puget Sound Regional Council. January 2002: 18.

of jurisdictions that answered the question indicated they account for and incorporate state highway facilities in their concurrency programs.¹⁷ The survey question was not specific enough to discern how state facilities were included.

Less than half of the jurisdictions answered the final question regarding changes they would like to see related to concurrency in state legislation.¹⁸ Eight local governments suggested strengthening transportation funding, seven suggested the concurrency requirement conflicted with GMA objectives such as limiting sprawl and encouraging multimodal transportation, and five believed concurrency should address state facilities.¹⁹

PSRC Focus Group Results

The second phase of the PSRC study reviewed and analyzed the concurrency programs of 19 jurisdictions through case study analyses and eight focus group sessions. Transit agency and WSDOT staff were involved in this process, but not directly. The findings from this phase were summarized into seven common themes:

- No Two Programs Are The Same: PSRC found significant differences in the administrative details of implementing concurrency as well as the jurisdictions' objectives for their concurrency programs.²⁰ Jurisdictions alternately viewed concurrency as a tool for accommodating new development, attracting desired types of development while discouraging unwanted development, focusing growth in desired locations, requiring development to pay its "fair share," gauging performance across the system, and capital facilities planning.²¹
- The Tool is Being Used Cautiously: Concurrency may not be implemented to its full extent because local governments balance their concurrency program with other goals.²²
- Innovations are Occurring: Jurisdictions apply innovative concepts to solve problems and meet their specific needs. For example, the City of Bellevue uses congestion allowances that permit a specified number of intersections in the zone to exceed the standard. The City of Seattle uses a "screenline" measurement, accounting for travel along a series of parallel roads instead of a single facility. King County uses a zonal system with different methodologies for commercial versus residential developments.
- The Choice of a Measurement System is Key: The details of the system used to measure the level of service greatly affect what mitigation is required and can even control what types of projects are funded.²³

PSRC SURVEYED JURISDICTIONS SUGGEST:

- » state-owned facilities should not be exempt from concurrency requirements
- » the state should have to mitigate impacts directly related to its facilities
- » local jurisdictions have insufficient tools to address state system failures
- » if the state sets LOS for state routes, then it should also be required to address how such standards are to be maintained

PSRC: Assessing the Effectiveness of Concurrency Phase 1 Report

17. Assessing the Effectiveness of Concurrency: Phase 1 Report - Survey Results. Puget Sound Regional Council. January 2002: 21.

18. Assessing the Effectiveness of Concurrency: Phase 1 Report - Survey Results. Puget Sound Regional Council. January 2002: 30.

19 Ibid.

20. Assessing the Effectiveness of Concurrency: Final Report. July 2003: 9.

21. Assessing the Effectiveness of Concurrency: Phase 2 Report - Analysis of Practices. August 2002: 8

22. Assessing the Effectiveness of Concurrency: Final Report. July, 2003: 10

23. Ibid.

- Multimodal Approaches are Limited: Despite federal and state requirements, jurisdictions are not incorporating multimodal approaches into their concurrency programs to any great extent.²⁴
- Limited Coordination is Occurring: While a few jurisdictions provide development information to other jurisdictions, largely through SEPA, most jurisdictions focus on local impacts of development and rarely account for neighboring development or regional pass-through traffic. Some jurisdictions are addressing cross-boundary issues by way of regional traffic models, multi-tiered measurement systems, and policy.
- State Facilities: For most jurisdictions, the traffic on state-owned facilities has not impacted development. However, congested state routes do lead to spillover traffic on local streets and local residents are strongly resistant to expanding local streets for this type of pass-through traffic. In some jurisdictions, locally maintained streets have no concurrency issues except in the proximity of state roadways. Several participants stated that even though state facilities are exempt from concurrency, their jurisdictions work with WSDOT to identify, collect mitigation for, and provide improvements needed on the state-owned transportation system because of new development.

PSRC Workshop Results

The third and final phase of the PSRC study recorded the small group discussions of 90 participants including local jurisdiction staff and other interested parties during a full-day workshop. The general themes include:

- No major changes need to be made to the law—concurrency practices should be allowed to mature.
- Concurrency should remain a local tool, but should better recognize interjurisdictional implications.
- Incentive-based approaches to changing local programs would be more effective and acceptable than regulatory approaches.
- Concurrency should be more multimodal.
- Concurrency programs should be easier to understand and decisions should be more fact-driven as opposed to negotiated.
- Concurrency exemptions can be useful and should be permitted in some fashion.
- Local governments are concerned about the state's inability to fund transportation projects, especially those providing relief from traffic impacts on local roads that access and intersect state facilities.
- Participants unanimously agreed the state should not have a role in local concurrency decisions.
- Local governments are interested in greater clarity regarding highways not of statewide significance, but the state's role in providing that clarity was not defined.²⁵

24. Ibid.

25. Assessing the Effectiveness of Concurrency: Final Report. Puget Sound Regional Council. July 2003: 12-13.

Overall, the PSRC study reveals that not all local governments practice concurrency, and those that do implement it very differently to suit local goals and objectives. Additionally, local governments do not consistently incorporate state-owned transportation facilities into their local plans. These diverse practices imply a challenge to any state policy that attempts to define a coordinated regional or state concurrency program.

The study also highlighted local concerns regarding the state's inability to fund transportation projects that ease congestion. Local governments felt ill-equipped to address these state system failures, and they wanted to find better ways to address problems on regionally significant state-owned transportation facilities. While study participants did not support major changes to the concurrency law, they agreed limited concurrency exemptions could be useful, concurrency should be more multimodal, and concurrency should better account for inter-jurisdictional impacts.

PSRC staff notes that local opinions have shifted since the study was completed. More communities are indicating a willingness to change the concurrency law, but politically many institutional barriers exist.